Continued Examination Under 37 CFR 1.114

1. Claims 1-36 are currently pending in this application in the application of SONG et al. for "Sensors and disposable articles that contain the sensors" filed on April 30, 2007. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 09, 2011 has been entered and made of record.

Claims Status

Claims 1-3, 6 and 8-16 are as previously presented.

Claim 4 is as originally presented.

Claims 5 and 7 are as previously canceled.

Claims 1-4, 6 and 8-16 are pending.

Claim Rejections - 35 USC § 103

2. Claims 1-4, 6, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent to ARMSTRONG (5,986,576) in view of U.S. Patent to KELLY et al. (3,899,891) hereinafter "Kelly" and further in view of U.S. Publication of PEET, II et al. (2002/0067290 A1) hereinafter "Peet".

As to claim 1, Armstrong discloses a light assembly (*Item 10*) comprising a pole having a plurality of inter-engagable sections (*Items 24 and 34*) located end-to-end to form the pole (*See*

figures 1 and 2), each section having an axial hole therethrough, to form a passage through the sections for a cable (*Item 36; Col. 7, line 54 - Col. 8, line 11*) in an axial direction (*See figure 1*), and a light attached at an operatively upper end of the pole (*Items 12, 14 and 16*).

Armstrong does not expressly disclose, a securing line located through the passage, and securing means movably securable on the securing line in an axial direction to secure the sections of the pole together, and a light attached between two of said inter-engagable sections.

Kelly discloses a pole/post assembly (*Abstract; Figures 1-7*) having a plurality of inter-engagable sections (*shell sections*), each section having an axial hole therethrough (*bore*), to form a passage through the sections for a securing line (*tendon*) located through the passage (*see figures*), securing means (*anchor*) movably securable on the securing line in an axial direction to secure the sections of the pole together (*Col. 2, lines 15-37; Col. 3, lines 30-42; Col. 4, line 51 - Col. 5, line 15*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong, by incorporating the securing means, as disclosed by Kelly, so as to provide pole/post structure that may provide poles/posts, which are light-weight compared to its strength, because Kelly suggests the pole/post structure maybe provided by different materials (*wood, metal, concrete, plastic*) at different sizes in order to meet different requirements (*Col. 3, lines 45-64; Col. 5, lines 38-62*), one skilled in the art would be motivated to incorporate it into various devices including a light assembly.

The combination of Armstrong and Kelly does not expressly disclose a light attached between two of said inter-engagable sections.

In a field of portable warning light system, Peet discloses a light assembly (*warning light system as shown in figures 1 and 9; Par. 0019-0020*) comprising: a pole (*formed by arrays 120 and 130 of figure 1 and 220 and 230 of figure 9; Par. 0020-0023*) having a plurality of connectable/engagable sections (*Items 199 as shown in figure 1; Par. 0023*) located end-to-end to form the pole (*as shown in figures 1 and 9; Par. 0020 and 0038*), and a light (*light 111 and 301 of figure 1 and 9 respectively; Par. 0021-0022 and 0039*) attached between two of said connectable/engagable sections (*as shown in figures 1 and 9; Par. 0019-0023 and 0038-0039*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Kelly, by having a light to be attached between two inter-engagable/connectable sections, as disclosed by Peet, so as to provide a light attached between two inter-engagable or connectable sections, because Peet discloses the pole/post structure that includes light attached to each inter-engagable or connectable section and a light attached between two inter-engagable or connectable sections and one skilled in the art readily understand from these disclosures that light/s maybe attached at any location/s to achieve the optimal visibility effect for a warning light. Also, the location of the claimed light has no effect on the functionality of the light and the claimed limitations of the instant application as presented does demonstrated/shown the criticality of the location of the light. Furthermore, attaching a light at various locations on the pole/post may be achieved through routine experimentation with expected result to achieving an optimal visibility for a warning light.

As to claim 2, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, Armstrong further discloses the pole includes a light connector at an upper end thereof (*Item*

64), the light connector comprising a housing wherein a default light (*Item 62 of figure 8*) is housed and wherein the pole sections are secured (*Col. 6, lines 14-40*).

As to claims 3 and 4, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, Armstrong further discloses a footpiece engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (*Item 30*).

As to claim 6, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, Kelly further discloses the inter-engagable sections (*shell sections*) are cylindrical (*as shown in figures 1-3*) and each has complementary neck (*inner annular flange 114 as shown in figure 6*) and collar (*collar in contact with outer annular flange 112 as shown in figure 6*) formations on one end (*Col. 4, line 51 – Col. 5, line 2*) and a complementary shaped first inner blind bore (*inner annular recess 110 as shown in figure 6*) on an opposite end for receiving the neck of an adjacent section (*as shown in figure 6; Col. 4, line 51 – Col. 5, line 2*), wherein the sections have a first bore in a main body of the section and a second bore in the neck formation so that the assembled pole includes said passage therethrough (*See figures 1-7; Col. 2, lines 15-37; Col. 3, lines 30-42; Col. 4, line 51 - Col. 5, line 15*).

As to claim 12, the combination of Armstrong, Kelly and Peet as set forth above in claim 2, Armstrong further discloses an adaptor (*Item 11*) connectable to the light connector (*Item 64*), the adaptor having a number of sockets (*Items 12, 14 and 16*) for receiving lights in the sockets (*Col. 5, line 61 - Col. 6, line 13*).

As to claim 13, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, Armstrong further discloses the light connected to the pole includes a bank of light emitting diodes (*Col. 2, lines 60-64*).

As to claim 14, the combination of Armstrong, Kelly and Peet as set forth above in claim 13, Armstrong further discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (*Col. 3, lines 5-16, 28-38*).

As to claim 16, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, Armstrong further discloses the light assembly is a traffic light assembly (*Col. 2, lines 60-64*).

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY and PEET and further in view of U.S. Patent to NEVIN (5,675,956).

As to claim 8, the combination of Armstrong, Kelly and Peet as set forth above in claim 1, but, the combination does not expressly disclose a securing line is a rod having screw threaded ends for receiving nuts for securing the sections together.

Nevin discloses a pole assembly that employs a rod having screw threaded for securing the sections together (*Abstract; Col. 4, lines 10-25; Figures 2 and 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly and Peet, by having the securing rod having screw threaded, as disclosed by Nevin, because a rod having screw threaded ends for receiving nuts is conventional and one skilled in the art would readily understand the securing

means of Lambert maybe replaced by any equivalent conventional attaching means including a rod having screw threaded ends for receiving nuts as disclosed by Nevin.

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY and PEET and further in view of the U.S. Patent to NIEMEYER (5,340,069).

As to claim 9, the combination of Armstrong, Kelly and Peet as set forth above in claim 2, but, the combination does not expressly disclose the light connector includes annular lip formations, one annular lip formation extending upwardly from a base thereof and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing annular channel sections for receiving lugs at the rear of a traffic light therein.

Niemeyer discloses a light assembly that incorporate a light connector includes annular lip (*Item 20 of figure 1 has annular end connection*) formations, one annular lip formation extending upwardly from a base thereof (*lower item 20 of figure 1*) and the other downwardly (*upper Item 20 of figure 1*) form an operatively upper end of a cylindrical section (*Item 22 of figure 1*) to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (*Col. 6, line 66 - Col. 7, line 12*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly and Peet, by incorporating a light connector, as disclosed by Niemeyer, because having annular lips in the extensions increase the holding force of the assembly.

As to claim 10, the combination of Armstrong, Kelly, Peet and Niemeyer as set forth above in claim 9, Niemeyer further discloses an adaptor (*Item 100*) connectable to the light connector (*Item 20 via items 24 and 26*), the adaptor having a number of sockets (*3 sockets*) for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section (*See figures 1-7*).

As to claim 11, the combination of Armstrong, Kelly, Peet and Niemeyer as set forth above in claim 9, Armstrong further discloses the base and cylindrical section are axially movable relative to each other to move the formations away from each other to facilitate adjustment of the height of the light assembly.

But the combination does not expressly disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly, Peet and Niemeyer, by having the base and cylindrical section are axially movable relative to each other, in order to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because the Niemeyer lip formation of Niemeyer's light assembly is removable and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative

movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY and PEET and further in view of the U.S. Publication of CLAUBERG (200601521775 A1).

As to claim 15, the combination of Armstrong, Kelly and Peet as set forth above in claim 13, but, the combination does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

Clauberg discloses a light assembly, wherein groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on (Par. 0003-0004).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly and Peet, by incorporating the slight assembly illumination, as disclosed by Clauberg, because it is conventional to use selected illumination light in the traffic light art and Clauberg discloses the claimed limitations.

Response to Arguments

6. Applicant's arguments, see (Pages 2-4), filed June 09, 2011, with respect to the rejection(s) of pending claim(s) 1-4, 6 and 8-16 under 35 U.S.C. 103(a)) have been fully considered but they are not persuasive for at least for the following reasons.

Applicant's arguments on pages 2-3 with respect to the rejection(s) of claim(s) under 35 U.S.C. 103(a)).

Applicant argues:

> "First, Peet does not disclose or suggest a light attached between two interengagable sections, and therefore does not cure the deficiencies of either Armstrong or Kelly. Rather, and contrary to the Examiner's assertions, the warning light described in Peet consists of a series of laterally extending light blocks that each include a light 111 as an integral part of the block. See, for example, FIG. 3, which clearly shows the light as being an integral part of the light block. As such, it is quite evident that the light is not disposed between two interengagable sections as recited in Claim 1. Thus, even as combined, the combination of Armstrong, Kelly and Peet fails to disclose or suggest each and every element of Claim 1."

Examiner response:

Examiner respectfully disagrees with applicant's assertions. Contrary to applicant's assertion, as presented in the Final Office Action of December 09, 2010 the combination Armstrong as modified by Kelly and further modified by Peet disclosed and met all the claimed limitations of the instance application. In particular, contrary to applicant's assertions that Peet only discloses a laterally extending light assembly, in fact in figures 5, 5A, 5B and 5C Peet discloses light assembly that is stackable in vertical direction which may be combined with the combination of Armstrong as modified by Kelly to disclose the claimed limitations of the instant application. With respect to applicant's argument stating the light/s in Peet's disclosure being integral part of the block. The fact that each light assembly is still placed between two

interchangeable parts that from the whole light assembly, thus Peet's light assembly meet the broadly claimed limitations as presented.

Applicant argues:

> "Further, one of ordinary skill in the art would not look to the teachings of Peet for guidance in constructing a light warning system, such as the one described in Armstrong and Kelly. The light described in Armstrong is constructed as a vertical pole with the light traffic light system being disposed at the upper end thereof. In sharp contrast, the system of Peet is assembled in a lateral array. See, for example, FIGS. 1, 2, and 9. Such a system would be inappropriate for the traffic light system described in Armstrong where it is critically important to elevate the light so that motorists are able to see the traffic signals. Applicant notes that FIGS. 5 5A-5C generally show systems in which lights are stacked on top of each other. However, such arrangements still include light blocks arranged laterally of each, and would not be appropriate for traffic light system, such as the one of .Armstrong, for the same reasons given above. Accordingly, one of ordinary skill in the art in developing a portable traffic light system would not look to the warning light system of Peet. Thus, the proposed modification of Armstrong in view of Peet is inappropriate. Withdrawal of the rejections is requested.
>
> In view of the foregoing remarks, Applicant submits that the rejections under 35 U.S.C. § 103(a) have been overcome."

Examiner response:

Examiner respectfully disagrees with applicant's assertions. Contrary to applicant's assertion, as addressed in the above paragraph. Further, one skilled in the art would be aware and look into all related arts in the field of traffic light assembly, which would include Peet's disclosure. Thus, examiner respectfully disagrees with applicant's assertions. In addition, contrary to applicant's assertions Peet discloses a laterally extending light assembly and vertically stackable light assembly. In fact, as shown in figures 5, 5A, 5B and 5C Peet discloses light assembly that is stackable vertically, thus, applicant's assertions are erroneous. In conclusion the combination of Armstrong as modified by Kelly and further modified by Peet

discloses and met all the claimed limitations of the instant application. Please refer to the rejection above for full detail.

Conclusion

7. This is a (RCE) Continued Examination Under 37 CFR 1.114 of applicant's earlier Application No. 10/596,309. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is (571)272-8562. The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE A. BUGG can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y./ 11/09/2011

Examiner, Art Unit 2612

/George A Bugg/

Supervisory Patent Examiner, Art Unit 2612